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FILE NO: 74096.000007

October 15, 2012

**VIA EMAIL AND OVERNIGHT MAIL**

Mr. Peter Magolske  
U.S. Environmental Protection Agency  
Office of Compliance and Enforcement, M/S OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Mr. Brian Monson  
Idaho Department of Environmental Quality  
1410 North Hilton Street  
Boise, ID 83706



Re: Quarterly Progress Report – Third Quarter 2012  
Administrative Order on Consent for Nu-West CPO Facility  
Docket No. RCRA-10-2009-0186

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities at Nu-West’s Coda Phosphate Operations (“CPO”) Facility associated with the Consent Order are being carried out.

**I. Work Plan for Additional Requirements**

The following activities were conducted during the third quarter of 2012, pursuant to the EPA-approved *Work Plan for Additional Requirements*:

- Nu-West initiated the drilling and geophysical logging at the six borehole locations around the CPO cooling ponds (A-27 through A-32) as detailed in the EPA-approved *Addendum to the Work Plan for Additional Requirements* (June 29, 2012). Pursuant to the addendum:

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- i. Borehole summaries for A-27 and A-28 were submitted to EPA on August 22, 2012. A conference call was held between Nu-West, WSP, EPA, and IDEQ on August 22, 2012, to review the borehole logs and field testing results for A-27 and A-28 as well as the proposed screen intervals for monitoring wells. Consensus was reached on the proposed screen intervals for the wells. Also, during the conference call Nu-West and WSP requested that EPA forego acoustic and televiwer caliper survey logs for future boreholes. EPA approved the request on August 22, 2012 (and in follow-up letters dated September 27 and 28, 2012).
  - ii. Borehole summaries for A-29 and A-30 were submitted to EPA on September 20, 2012, and for A-31 and A-32 on September 25, 2012. Conference calls were held between Nu-West, WSP, EPA, and IDEQ on September 27, and September 28, 2012, to review the borehole logs and field testing results as well as the proposed screen intervals for the wells. Consensus was reached on the proposed screen intervals for the wells.
- On July 10, 2012, Nu-West submitted to EPA and IDEQ the *Addendum 2 to the Work Plan for Additional Requirements* concerning the drilling and geophysical logging approach for boreholes to be installed to the west of the Old Gyp Stack. EPA approved this second addendum to the work plan on July 19, 2012, and subsequently approved a Nu-West-requested revision on August 2, 2012. Pursuant to the second addendum:
  - i. Nu-West initiated drilling and installation at the four borehole locations identified in the work plan (A-18, A-22, A-23, and A-26) during September 2012.
  - ii. Construction and sampling of the monitoring wells are projected to be completed during the fourth quarter of 2012.
- On behalf of Nu-West, WSP submitted an outline to EPA and IDEQ on July 9, 2012, on the proposed approach to aquifer testing.

#### **Supplemental Soil Investigation Work Plan**

- Nu-West submitted to EPA and IDEQ on August 15, 2012, the *Revised On-Site Supplemental Investigation Work Plan*, Nu-West Industries, Inc., Conda Phosphate



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Operations, Soda Springs, Idaho. This was preceded by EPA's July 16, 2012, comments on the draft *Revised On-Site Supplemental Investigation Work Plan*, Nu-West Industries, Inc., Conda Phosphate Operations, Soda Springs, Idaho (June 25, 2012). EPA approved the work plan on August 21, 2012. Pursuant to the *Revised On-Site Supplemental Investigation Work Plan*:

- i. The 14 borings identified in the EPA-approved *Revised On-Site Supplemental Investigation Work Plan* around the north and south car wash sumps were installed between August 13 and 15, 2012.
- ii. WSP, on behalf of Nu-West, on September 19, 2012, submitted a request to EPA for approval of an alternative analytical method to analyze soil samples having insufficient volume for Ra-226 by EPA method 903.1 and Ra-228 by EPA method 904.0. On September 25, 2012, EPA submitted an email request to WSP requesting additional information on the alternative test methods and WSP provided the requested information to EPA on September 27, 2012. EPA approved the request on October 2, 2012.
- iii. WSP, on behalf of Nu-West, on September 25, 2012, submitted to EPA a request to relocate monitoring wells A-34, A-35, and A-36. This request was preceded by EPA's visit to the CPO Facility on September 19 and 20, 2012, at which time locations of the wells were reviewed with CPO Facility staff. Follow up email communications included one email from WSP to EPA on September 27, 2012, with a figure showing the revised locations of monitoring wells A-34 through A-36, and one email from EPA to WSP with a figure depicting the revised location of well A-35. EPA approved relocation of the wells on September 27, 2012.

## **II. Offsite Soil Sampling Plan**

The following activities were conducted during the third quarter of 2012, pursuant to the EPA-approved *Offsite Soil Sampling Plan*:

- Nu-West submitted to EPA and IDEQ on September 27, 2012, the *Report on Background and Historical Release Areas Soil*, Nu-West Industries, Inc., Conda Phosphate Operations.



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### III. Groundwater Sampling

- Nu-West and WSP are completing preparation of the report on May 2012 semi-annual groundwater sampling; the report is projected to be submitted to EPA and IDEQ in October 2012.

### IV. Surface Water Sampling

- Nu-West submitted to EPA on September 27, 2012, the *Report on Surface Water Sampling*, Nu-West Industries, Inc., Conda Phosphate Operations.

In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Brian Barner".

for P. Scott Burton

cc: James Cagle, Nu-West  
Barry N. Burnell, IDEQ

Attachment – Certification

# **ATTACHMENT A**

### CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:

James A. Cagle

Name:

James A. Cagle

Title:

Senior Environmental Specialist

Date:

10/15/2012